



House of Representatives

General Assembly

File No. 43

January Session, 2001

Substitute House Bill No. 6660

House of Representatives, March 14, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING AIR BAG FRAUD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 53a-119 of the general statutes is amended by adding
2 subdivision (16) as follows:

3 (NEW) (16) A person is guilty of air bag fraud when such person,
4 with intent to defraud another person, obtains property from such
5 other person or a third person by knowingly installing or reinstalling
6 any object in lieu of an air bag that was designed in accordance with
7 federal safety requirements for the make, model and year of the
8 vehicle, as part of the vehicle inflatable restraint system.

Statement of Legislative Commissioners:

Section was rewritten for accuracy.

JUD **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: None

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OFA Fiscal Note

State Impact: None

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: None

OLR Bill Analysis

sHB 6660

AN ACT CONCERNING AIR BAG FRAUD.**SUMMARY:**

This bill establishes a specific larceny category called air bag fraud. People commit this offense when, with intent to defraud, they obtain money or other property from someone for knowingly installing or reinstalling any object instead of an airbag designed according to safety requirements for the make, model, and year of the vehicle, as part of the vehicle inflatable restraint system. The penalty for this offense varies from a class C misdemeanor to a class B felony depending on the amount charged for the airbag. For example, if the amount charged was over \$1,000 but less than \$5,000 the penalty would be a class D felony punishable by a prison term of up to five years, a fine of up to \$5,000, or both.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Larceny Defined***

Someone commits larceny when, with intent to deprive someone of his money or other property or to appropriate it to himself or a third person, he wrongfully takes, obtains, or withholds it from the owner (CGS § 53a-119).

Larceny Penalties

There are six different classifications of larceny based on the value of the property illegally obtained.

<i>Degree of Larceny</i>	<i>Amount of Property Involved</i>	<i>Classification</i>	<i>Prison</i>	<i>Fine</i>
First Degree	Over \$10,000	Class B felony	Up to 20 years	Up to \$15,000
Second Degree	Over \$5,000	Class C Felony	Up to 10 years	Up to \$10,000
Third Degree	Over \$1,000	Class D felony	Up to 5 years	Up to \$5,000
Fourth Degree	Over \$500	Class A misdemeanor	Up to 1 year	Up to \$2,000
Fifth Degree	Over \$250	Class B misdemeanor	Up to 6 months	Up to \$1,000
Sixth Degree	\$250 or less	Class C misdemeanor	Up to 3 months	Up to \$500

In addition, certain other defined offenses, such as defrauding a public community and extortion, are classified in one of these degrees of larceny without regard to the value of the property obtained.

Related Larceny Crimes

A person commits the specific larceny crime of obtaining property by false pretense when, by any false token, pretense, or device, he obtains someone's property, with intent to defraud him or any other person (CGS § 53a-119(2)).

A person commits the specific larceny crime of obtaining property by false promise, when, pursuant to a scheme to defraud, he obtains someone's property by means of a representation that he or a third person will engage in particular conduct, and when he does not intend to engage in such conduct or does not believe that the third person intends to engage in such conduct (CGS § 53-119 (3)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0